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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,535	07/27/2000	Donald F. Hooper	10559-137002 / P7876X	1214
20985	7590	08/30/2007	EXAMINER	
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ENG, DAVID Y	
ART UNIT		PAPER NUMBER		
2155				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/626,535	HOOPER ET AL.	
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim 2 has been cancelled previously. The active claims are 1 and 3-21 of which claims 1, 7 and 15 are independent claims.

Double Patenting Rejection

The Terminal Disclaimer filed on 7/18/2007 has been approved. The double patenting rejection is therefore withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle (USP 6,212,542) in view of Belkin (USP 6,373,848).

Kahle teaches:

Claims 1, 7, 15

a method of processing network data in a processor (multiscalar processor) having multiple programmable multi-threaded engines (PEs, 132-138 Figure 4) integrated within the processor, the method comprising:

scheduling (thread scheduler, Fig. 4) a first thread provided by the multiple programmable multi-threaded engines integrated within the processor to process a first incoming block of data within a network packet received at port of a media access control device ; and

scheduling a second thread provided by the multiple programmable multi-threaded engines integrated within the processor to process a second incoming block of

data within the network packet prior to the first thread completing processing of the first incoming block of data.

The only difference is that Kahle does not make clear whether his processor is processing in a network environment. Using a processor having multiple thread engines to process network data is well known in the art. Belkin teaches using a processor having multiple thread engines to process network data. From the teaching of Belkin, it would have been obvious to a person of ordinary skill in the art to use the multiscalar processor of Kahle in a network environment so that packets can be processed by the multiple engines (PEs).

Claims 3,

As to claim 3, it is well known that processor has state information. Storing and retrieving state information (addresses in memory program counter) is well known in computer art.

Claims 4-5

As to claims 4-5, memory pointer is nothing but a counter and is inherent in memory.

Claims 6,

Transmitting information, including state or any other information, between components of a processor is inherent in a computer system.

Claims 8-14, 18, 20-21

The “wherein clauses” merely consist of non-functional descriptive material.

Claims 16, 17

The system of Kahle has instructions also. What instructions are in a program is dependent on the function of the program.

Claim 19,

Port monitoring is inherent in data receiving. The system of Kahle is capable of receiving data also.

Argument

In the communication filed on 7/18/2007, Applicants set forth what is in the abstract of Kahle and what is recited in the independent claim 1. Applicants then conclude that Belkins does not rectify the deficiencies in Kahle. It is not clear what the alleged deficiencies in Kahle are. In the Office action, the Examiner identifies all the claim limitations in Kahle except for the teaching of the scheduler being in a network environment. Applicants fail to explain why the Office action is in error. Applicants do not appear to disagree that Kahle teaches a processor having a plurality of PEs each of which is able to process a respective thread simultaneously and that Kahle further teaches a scheduler for assigning threads to the PEs for processing. Note further that the plurality of PEs in Kahle are for processing threads simultaneously and not one at a time. The Examiner is at a loss as to what the deficiencies are. Further, there is no argument provided as to why the claims are patentable distinct in view of the applied references. The court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to

a separate argument for patentability. See *In re Nielson*, 816 F.2d 1567, 2 USPQ 1525 (Fed. Cir. 1987).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID Y. ENG
PRIMARY EXAMINER